

Attorney's Docket No.: 007266.P002

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
FILING UNDER 35 U.S.C. § 371

In re Patent Application of:	)	
	)	
Harold Keith Hill, et al.	)	
	)	Examiner: Not Yet Assigned
Application No.: 10/539,867	)	
	)	Art Unit: Not Yet Assigned
Filed: June 16, 2005	)	
	)	
For: MEASUREMENT APPARATUS	)	
AND METHOD	)	
	)	

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS  
UNDER 35 U.S.C. § 371 IN THE  
UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

Dear Sir:

In response to the Notification Of Missing Requirements Under 35 U.S.C. § 371 in the United States Designated/Elected Office (DO/EO/US) mailed on November 10, 2005, please find enclosed:

- (1) The Declaration and Power of Attorney executed by the inventors in compliance with 37 CFR § 1.497(a) and (b);
- (2) A check in the amount of \$130.00 in payment of the surcharge of 37 C.F.R. § 1.492(e) (late oath or declaration); and

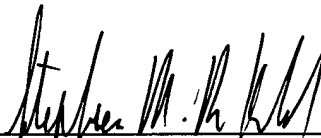
(3) A copy of the Notification Of Missing Requirements Under 35 U.S.C.  
§ 371 in the United States Designated/Elected Office (DO/EO/US).

If any additional fee is required, please charge Deposit Account No.  
02-2666. A duplicate of this Response is enclosed for deposit account charging  
purposes.

Respectfully submitted,

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

Dated: January 10, 2006

  
\_\_\_\_\_  
Stephen M. De Klerk  
Reg. No. 46,503

12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, California 90025  
(408) 720-8300

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First-Class Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service  
as first-class mail with sufficient postage in an envelope addressed to the Commissioner for  
Patents, P.O. Box 1450, Alexandria, Virginia, 22313-1450 on:

January 10, 2006

Date of Deposit

Linda K. Brost

Name of Person Mailing Correspondence

  
\_\_\_\_\_  
Signature

January 10, 2006  
\_\_\_\_\_  
Date

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER  
7266P002

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)  
10/539,867

INTERNATIONAL APPLICATION NO.  
PCT/NZ2003/000279

INTERNATIONAL FILING DATE  
17 December 2003

PRIORITY DATE CLAIMED  
17 December 2002

TITLE OF INVENTION  
MEASUREMENT APPARATUS AND METHOD

APPLICANT(S) FOR DO/EO/US  
Harold Keith Hill, et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11 to 20 below concern document(s) or information included:**

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4)).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4)).
20. ☒ Other items or information.

Response to Notification of Missing Requirements; copies of second Written Opinion and Response to second  
Written Opinion; copy of Notification of Missing Requirements; return receipt postcard.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <b>10/539,867</b>		INTERNATIONAL APPLICATION NO. <b>PCT/NZ2003/000279</b>		ATTORNEY'S DOCKET NUMBER <b>7266P002</b>	
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The following fees have been submitted				<b>CALCULATIONS</b>	<b>PTO USE ONLY</b>
21.	<input type="checkbox"/> Basic national fee (37 CFR 1.492(a)) .....	<b>\$300</b>		\$	
22.	<input type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33 (1)-(4) ....	<b>\$0</b>			
	All other situations .....	<b>\$200</b>		\$	
23.	<input type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33 (1)-(4).....	<b>\$0</b>			
	Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority .....	<b>\$100</b>			
	International Search Report Prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB .....	<b>\$400</b>			
	All other situations .....	<b>\$500</b>			
<b>TOTAL OF 21, 22 and 23 =</b>				\$	
Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is <b>\$250.00</b> for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	- 71 / 50 =		x	\$	
Surcharge of <b>\$130.00</b> for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$	130.00
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	16 - 20 =	0	x 50	\$	0.00
Independent claims	3 - 3 =	0	x 200	\$	0.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ 360	\$	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$	130.00
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees are reduced by 1/2.				\$	130.00
<b>SUBTOTAL =</b>				\$	130.00
Processing fee of <b>\$130.00</b> for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)). <input type="checkbox"/>				\$	
<b>TOTAL NATIONAL FEE =</b>				\$	130.00
Fee for recording the enclosed assignment (37 CFR 1.21(h). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). <b>\$40.00</b> per property				\$	40.00
Other fee (specify):					
<b>TOTAL FEES ENCLOSED =</b>				\$	170.00
Amount to be refunded:				\$	
charged:				\$	
<p>a. <input checked="" type="checkbox"/> A check(s) in the amount of \$ <u>170.00</u> to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. <u>02-2666</u> in the amount of \$ <u>170.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>02-2666</u>. A duplicate copy of this sheet is enclosed.</p>					
<p><b>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b) must be filed and granted to restore the application to pending status.</b></p>					

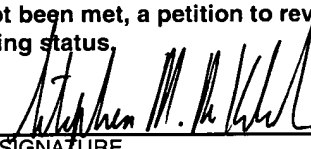
01/10/2006 ATRAN1 00000146 10539867

01 FEB 16 2006 1617

\$30.00 GP

**January 10, 2006**

DATE



SIGNATURE

**Stephen M. De Klerk**

NAME

**46,503**

REGISTRATION NUMBER

SEND ALL CORRESPONDENCE TO:

Blakely, Sokoloff, Taylor & Zafman LLP

12400 Wilshire Boulevard, 7th Floor

Los Angeles, CA 90025

Telephone: (408) 720-8300

SMD #4  
Agl Research

## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/539,867	Harold Keith Hill	7266P002

INTERNATIONAL APPLICATION NO.
PCT/NZ03/00279

I.A. FILING DATE	PRIORITY DATE
12/17/2003	12/17/2002

26529  
BLAKELY SOKOLOFF TAYLOR & ZAFMAN/PDC  
12400 WILSHIRE BOULEVARD  
SEVENTH FLOOR  
LOS ANGELES, CA 90025**RECEIVED**

NOV 14 2005

CONFIRMATION NO. 6418

371 FORMALITIES LETTER



\*OC000000017426890\*

Date Mailed: 11/10/2005

**BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP**  
**LOS ANGELES****NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 06/16/2005
- Copy of the International Search Report filed on 06/16/2005
- Copy of IPE Report filed on 06/16/2005
- Preliminary Amendments filed on 06/16/2005
- U.S. Basic National Fees filed on 06/16/2005
- Priority Documents filed on 06/16/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

**ENTERED**  
**NOV 15 2005**  
**STATUS DB-LA**

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

SHAKEEL AHMED

Telephone: (703) 308-9140 EXT 208

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/539,867	PCT/NZ03/00279	7266P002

FORM PCT/DO/EO/905 (371 Formalities Notice)